

**CITY OF MIDLAND, TEXAS  
BRIEFING SESSION AGENDA**

**June 17, 2014 - 9:30 AM**

Basement Conference Room  
300 North Loraine  
Midland, Texas

These items, as well as any other items on the regular posted agenda for the City Council Meeting on this date, may be discussed:

1. Receive a presentation from Communications and Information Services regarding status of an Enterprise Resource Planning System (ERP) to include a new Planning, Codes, Building Inspection, Financial and Human Resources System.
2. Receive information regarding the Wastewater Plant Upgrades Proposals and discuss selling the City's effluent and the selection process for purchasers of the effluent and how any contract may be negotiated.

## AGENDA FOR CITY COUNCIL MEETING

June 17, 2014 – 10:00 AM  
Council Chamber - City Hall

The Midland City Council agenda is posted for public notice at least 72 hours prior to the Tuesday meetings. All requests to be placed on the Council agenda by the public must be submitted to the City Manager, in writing, at least one week before the Council meetings. Such written requests must be in sufficient detail to identify the subject matter as well as the contact person who will represent the matter before the Council. The City Council reserves the right to not consider matters over which the City has no jurisdiction.

### **OPENING ITEMS**

1. Invocation - Rev. Barbara Kirk-Norris, Holy Trinity Church
2. Pledge of Allegiance

### **PRESENTATIONS**

3. Presentation of special events, organizations, individuals, or periods of time including, but not limited to:
  - a. Presentation of a Proclamation for Emancipation Proclamation Celebration Days.
  - b. Presentation of a Proclamation for Midland Christian Lady Mustang Track & Field Team Day.
  - c. Presentation of a Proclamation for Midland Christian Track And Field Team.

### **PUBLIC COMMENT**

4. Receive public comments where individuals may address the City Council on City related issues and projects. Any deliberation of or decision by the City Council regarding the item being discussed shall be limited to a motion to place the item on the agenda for a subsequent meeting.

### **CONSENT AGENDA**

5. Consider a motion approving the following minutes:
  - a. Regular Meeting of May 20, 2014.
  - b. Special Meeting of May 21, 2014.

6. Consider a resolution adding one (1) special meeting, on Monday, July 7, 2014, and three (3) regular additional meetings, one on Tuesday, August 5, 2014, the second on Tuesday, August 19, 2014, and the third on Monday, August 25, 2014, to the City Council Meetings scheduled for the 2014 calendar year. (FINANCE) (2014 - 173)
7. Consider a resolution authorizing the execution of an amendment to Resolution No. 2012-148 selecting Wells Fargo Bank to provide depository and other banking services for the City of Midland; said amendment will authorize the extension of the Depository Agreement for two years pursuant to Section XIV of the agreement; and authorizing the City Manager to execute an amendment authorizing the extension of the Depository Agreement with Wells Fargo Bank for said services. (FINANCE) (2014 - 174)
8. Consider a resolution authorizing the City Manager to negotiate and execute a Professional Services Agreement with KPMG LLP for audit services for the City of Midland, Texas. (FINANCE) (2014 - 175)
9. Consider a resolution authorizing the City Manager, City Attorney, Mayor, and a City Council Member to negotiate an agreement with Pioneer Natural Resources in order to purchase the City's water pollution control plant effluent produced, which is currently averaging ten million gallons per day; provide options for the Wastewater Plant upgrades; design and construct improvements to the City's Water Pollution Control Plant as needed to meet effluent quality as agreed to by both parties, and meeting a minimum standard of surface water effluent discharge standards defined by the Texas Commission on Environmental Quality; the agreement shall not be effective until said agreement is approved by a resolution of the Midland City Council. (PURCHASING) (2014 - 176)
10. Consider a resolution authorizing the execution of a Purchase Agreement for an annual supply of ready-mix concrete and stabilized caliche from Troy Vines, Incorporated, of Midland, Texas, at a total cost of \$84,285.00. (PURCHASING) (2014 - 177)
11. Consider a resolution authorizing the execution of a Professional Services Agreement with Dunaway Associates, L.P. for design surveying, construction plan preparation, and construction administration services required by the Texas Department of Transportation for the widening of Fairgrounds Road from East Pecan Avenue to State Highway Loop 250 frontage road; and authorizing payment for said professional services in the amount of \$507,413.00. (PURCHASING) (2014 - 178)
12. Consider a resolution approving plans and specifications and authorizing advertisement for bids for the Water & Wastewater Improvements Project; said three-part project includes Midkiff Road to Horseshoe Arena Waterline Extension, Douglas Avenue and D Street Waterline and Wastewater Line

Replacement, and Alternative 36" Bores near the Interstate 20 intersections with Midkiff Road and Midland Drive; said project will provide for the installation, replacement, and relocation of various water and wastewater utilities to provide utility service to a large portion of the City of Midland, enable a drainage system to be installed to address existing drainage issues, and enable future extensions of utility service south of Interstate 20. (PURCHASING) (2014 - 179)

13. Consider a resolution authorizing the execution of an agreement with Landscapes Unlimited, LLC, of Dallas, Texas at a total cost of \$1,857,126.84, plus making an extra \$9,873.16 in contingency available for said project, for Hogan Park Golf Course improvements and renovations for the Community Services Department; and appropriating funds. (PURCHASING) (2014 - 180)
14. Consider a resolution approving plans and specifications and authorizing advertisement for bids for labor, material, equipment, and supervision necessary for renovations at Doug Russell Pool. (PURCHASING) (2014 - 181)
15. Consider a resolution approving the purchase of microwave equipment and licensing from Johnston Technical Services, Incorporated, of Dallas, Texas, through the Texas Department of Information Resources at a total cost of \$58,921.37; and this item was not bid but purchased through a State of Texas Cooperative Program. (PURCHASING) (2014 - 182)
16. Consider a resolution approving a Change Order to the Construction Agreement between the Midland Development Corporation and Carleton Construction, LTD. regarding the Wall Street Lofts Project; and approving the Midland Development Corporation's appropriation of additional funds in the amount of \$200,000 therefor. (PURCHASING) (2014 - 183)
17. Consider a resolution authorizing the execution of a contract with Rural Electric, Incorporated of Mesa, Arizona, for the project described as Airfield Lighting Cabling Replacement and Airfield Signage (7112) at the Midland International Airport; the Council previously authorized advertisement for bids for the project; the total estimated cost of said project is \$1,466,361.00; and appropriating funds. (AIRPORTS) (2014 - 185)
18. Consider a resolution authorizing the appropriation of Airport Bond Funds in the amount of \$314,988.90 to the project described as Terminal Vehicle Parking Expansion at Midland International Airport. (AIRPORTS) (2014 - 186)
19. Consider a resolution approving a reimbursable physician recruitment agreement between the Midland Development Corporation and the Midland County Hospital District d/b/a Midland Memorial Hospital to advertise or publicize the City of Midland for the purpose of developing new and expanded business enterprises; said agreement being authorized by Chapters 501 and 504 of the Texas Local Government Code. (CITY ATTORNEY'S OFFICE) (2014 - 187)

20. Consider a resolution approving the establishment of the “Not In My Town” charitable contributions project for the purpose of an anti-litter campaign; authorizing the City Manager to accept charitable contributions into and make expenditures from said charitable contributions project; and establishing guidelines for the acceptance of contributions into and the expenditure of funds from said charitable contributions project. (CITY MANAGER'S OFFICE) (2014 - 188)
21. Consider a resolution appointing John B. Love, III, City Council Member District 2, as the City of Midland representative on the Midland-Odessa Transportation Organization (“MOTOR”) Policy Board. (CITY SECRETARY'S OFFICE) (2014 - 189)
22. Consider a resolution authorizing the execution of a Sports Agreement with the Boys and Girls Club of Midland to administer flag football and soccer programs for youth ages eight through twelve. (COMMUNITY SERVICES) (2014 - 190)
23. Consider a resolution approving the issuance of a permit to Endeavor Energy Resources, L.P. (“Operator”) to drill an oil and gas well within the City Limits located 1,050 feet from the west line and 1,467 feet from the south line, Section 3, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located on the east side of Cotton Flat Road, approximately 900 feet north of West Interstate Highway 20) (DEVELOPMENT SERVICES) (2014 - 191)
24. Consider a resolution approving the issuance of a permit to Endeavor Energy Resources, L.P. (“Operator”) to drill an oil and gas well within the City Limits located 2,173 feet from the west line and 2,273 feet from the south line, Section 3, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located on the east side of Cotton Flat Road, approximately 1,700 feet north of West Interstate Highway 20). (DEVELOPMENT SERVICES) (2014 - 192)
25. Consider a resolution authorizing the execution of a Road Repair Agreement with Endeavor Energy Resources, L.P., regarding its applications to drill oil and gas wells (Madden Wells) within the City Limits in Section 3, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas. (DEVELOPMENT SERVICES) (2014 - 193)
26. Consider a resolution authorizing the City Manager to negotiate and execute an easement and right-of-way to Oncor Electric Delivery Company, L.L.C., a Delaware Limited Liability Company, said easement being a 0.1240 acre tract of land situated in Section 13, Block 40, T-1-S, T&P RR Company Survey, Abstract No. 247, Midland County, Texas, said tract being a part of a 3.08 acre tract of land described in a Deed to the City of Midland, as recorded in Volume 2948, Page 351, Deed Records of Midland County, Texas, said easement and right-of-way will allow for the installation of underground electric supply and

communications lines, consisting of a variable number of wires and cables, surface mounted equipment, conduits, manholes, vaults, transformers, switches, switchgears, auto-transformers, protection, sectionalizing devices, and all necessary or desirable appurtenances thereto; and ordering recordation by the City Secretary. (ENGINEERING SERVICES) (2014 - 194)

27. Consider a resolution authorizing the acceptance of a 0.018-acre Sewer Line Easement located in Lot 9, Block 7, Langford-Weatherred Addition, Section 2, Midland, Midland County, Texas; and ordering recordation by the City Secretary. (ENGINEERING SERVICES) (2014 - 195)
28. Consider a resolution authorizing the execution of a Public Improvement Development Agreement with Midland Rentals, LLC for development of Floyd Acres Addition, City and County of Midland, Texas (Generally located along Beal Parkway, south of Anetta Drive and West of Beal Park); and appropriating funds in the amount of \$324,116.00 therefor; said agreement being authorized by Section 395.081 of the Texas Local Government Code. (ENGINEERING SERVICES) (2014 - 196)
29. Consider a resolution authorizing the acceptance of a 0.3676-acre Water Line Easement located in Section 36, Block 41, Township 1 South, T & P RR Company Survey, Midland, Midland County, Texas; and ordering recordation by the City Secretary. (ENGINEERING SERVICES) (2014 - 197)
30. Consider a resolution approving an Economic Development Agreement between the Midland Development Corporation and the City of Midland for improvements to Avalon Drive, as authorized by Chapter 501 of the Texas Local Government Code; and appropriating funds therefor. (ENGINEERING SERVICES) (2014 - 198)
31. Consider a resolution authorizing the City of Midland to file a joint application with Midland County for Fiscal Year 2014 Justice Assistance Grant Funds Program totaling \$31,422.00; and authorizing the execution of an agreement regarding the division of said grant funds; the City of Midland will receive \$18,853.00 (60%) and Midland County will receive \$12,569.00 (40%) of the grant funds respectively; this agreement does not supersede, modify or amend any other prior agreements. (POLICE) (2014 - 199)
32. Consider a resolution authorizing an Operating Certificate for Midessa Energy International dba Basin Taxi, to operate a taxicab business; setting forth conditions accompanying the certificate; and establishing the terms of the certificate. (POLICE) (2014 - 200)
33. Consider a resolution accepting a modification to the Fiscal Year 2014 Grant Award from the Southwest Border High Intensity Drug Trafficking Areas Program in the amount of \$20,000.00; these funds will be directed to the Fiscal Year 2014

High Intensity Drug Trafficking Areas Grant Project 7127; and appropriating funds. (POLICE) (2014 - 201)

34. Consider a resolution authorizing the execution of an Interlocal Cooperation Agreement between the City of Midland and Midland College as authorized by Chapter 791 of the Texas Government Code, said agreement will allow Midland College to use the City of Midland's Membrane Bio-Reactor Water Reclamation Facility to reclaim wastewater for use in the irrigation of the Midland College Campus; said water reclamation facility is approximately .5 acres located on the southwest portion of Windlands Park (approximately 1,800 feet west of "A" Street and 500 feet north of Ventura Drive) Midland County, Texas; said reclaimed water will meet all Texas Commission on Environmental Quality Regulatory Requirements and Standards. (UTILITIES) (2014 - 202)

## **SECOND READINGS**

35. Consider an ordinance on second reading amending Title V, "Business Regulations", of the City Code of Midland, Texas, by establishing Chapter 11, "Credit Access Businesses", so as to establish a program to register and regulate credit access businesses within the City of Midland; these credit access businesses are commonly known as "Cash Advance Lenders", "Payday Lenders", and "Auto Title Lenders"; providing for a fee of twenty-five dollars (\$25.00); providing for enforcement beginning on September 1, 2014; negating and dispensing with the culpable mental state requirement; providing for a maximum penalty or fine of five hundred dollars (\$500.00); setting forth an appeal procedure; containing a cumulative clause; containing a savings and severability clause; ordering publication; and establishing an effective date; and the City Council finds it to be in the public interest to make certain amendments to the Midland City Code so as to regulate credit access businesses in areas where Chapter 393 of the Texas Finance Code is silent or does not preempt such regulations. (CITY ATTORNEY'S OFFICE) (9274)
36. Consider an ordinance on second reading changing the zoning classification by amending Chapter One, Title XI, of the City Code of Midland, Texas, by permitting Blocks 20 and 21, Greathouse Addition, Section 7, City and County of Midland, Texas, which is presently zoned TH, Townhouse Dwelling District, to be used as a PD, Planned District for a Housing Development (Generally located on the east side of Deer Run Avenue, approximately 650 feet north of Hilltop Drive); providing for such use to be subject to certain special conditions and restrictions as set out herein; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); and ordering publication. (DEVELOPMENT SERVICES) (9277)
37. Consider an ordinance on second reading changing the zoning use classification of the property described as a 14,292 square foot portion of Lot 1, Block 2,

Grandridge Park Addition, Section 1, City and County of Midland, Texas (Generally located on the southwest corner of the intersection of Holiday Hill Road and League Drive), which is presently zoned PD, Planned District for a Shopping Center, by permitting said property to be used under a Specific Use Permit with Term for the sale of all alcoholic beverages in a lounge or nightclub for on-premises consumption; making said permit subject to certain conditions and restrictions contained herein; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); and ordering publication. (DEVELOPMENT SERVICES) (9278)

38. Consider an ordinance on second reading changing the zoning use classification of the property described as a 3,054 square foot portion of Lot 1, Block 8, Polo Park, Section 3, City and County of Midland, Texas (Generally located on the northeast corner of the intersection of West Loop 250 North and North Garfield Street), which is presently zoned PD, Planned District for a Shopping Center, by permitting said property to be used under a Specific Use Permit with Term for the sale of all alcoholic beverages in a restaurant for on-premises consumption; making said permit subject to certain conditions and restrictions contained herein; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); and ordering publication. (DEVELOPMENT SERVICES) (9279)
39. Consider an ordinance on second reading amending Title XIII, "Airports", Chapter 5, "Prohibited and Regulated Parking Zones", Section 5, "Public Parking Charges", of the City Code of Midland, Texas; establishing new rates or fares for the public parking areas at the Midland International Airport; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two hundred dollars (\$200.00); and ordering publication. (AIRPORTS) (9281)

### **PUBLIC HEARINGS**

40. At approximately 10:30 A.M. hold a public hearing regarding a proposed oil and gas permit to High Sky Partners, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Nickel 101D) located 320 feet from the north line and 1,160 feet from the west line located in Section 1, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the south side of Mockingbird Lane, approximately 1,160 feet east of Big Spring Street.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)
41. At approximately 10:33 A.M. hold a public hearing regarding a proposed oil and gas permit to High Sky Partners, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Nickel 102D) located 320 feet from the north line and 1,210 feet from the west line located in Section 1, Block X, H.P. Hilliard



Survey, City and County of Midland, Texas. (Generally located on the south side of Mockingbird Lane, approximately 1,210 feet east of Big Spring Street) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

42. At approximately 10:36 A.M. hold a public hearing regarding a proposed oil and gas permit to Bluestem Energy Holdings, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Evans K 1) located 1,954 feet from south line and 1,974 feet from west line, Section 8, Block "X", H.P. Hilliard Survey, Midland County, Texas. (Generally located on the north side of Mockingbird Lane, approximately 1,974 feet east of Midland Drive.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)
43. At approximately 10:39 A.M. hold a public hearing regarding a proposed oil and gas permit to Bluestem Energy Holdings, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Evans L 1) located 1,954 feet from south line and 1,944 feet from west line, Section 8, Block "X", H.P. Hilliard Survey, Midland County, Texas. (Generally located on the north side of Mockingbird Lane, approximately 1,944 feet east of Midland Drive.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)
44. At approximately 10:42 A.M. hold a public hearing regarding a proposed oil and gas permit to High Sky Partners, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Isbell No. 104D) located 2,416 feet from the north line and 1,472 feet from the west line located in Section 1, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of the extension of Solomon Lane, approximately 1,472 feet east of State Highway 349.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)
45. At approximately 10:45 A.M. hold a public hearing regarding a proposed oil and gas permit to High Sky Partners, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Isbell Hz Unit No. 105H) located 2,416 feet from the north line and 1,522 feet from the west line located in Section 1, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of the extension of Solomon Lane, approximately 1,522 feet east of State Highway 349.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)
46. At approximately 10:48 A.M. hold a public hearing regarding a proposed oil and gas permit to High Sky Partners, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Isbell Hz Unit No. 106H) located 2,416 feet from the north line and 1,572 feet from the west line located in Section 1, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of the extension of Solomon Lane, approximately 1,572 feet east of State Highway 349.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)

taken. (DEVELOPMENT SERVICES)

47. At approximately 10:51 A.M. hold a public hearing regarding a proposed oil and gas permit to High Sky Partners, LLC (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Isbell No. 107D) located 2,416 feet from the north line and 1,622 feet from the west line located in Section 1, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of the extension of Solomon Lane, approximately 1,622 feet east of State Highway 349.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)
48. At approximately 10:54 A.M. hold a public hearing regarding a proposed oil and gas permit to Rust Oil Corporation (Operator), for a Permit to Drill an Oil & Gas Well within the City Limits, (Smith Hughes "9" No. 2) located 200 feet from the east line and 2,350 feet from the south line located in Section 9, Block X, H.P. Hilliard Survey, City and County of Midland, Texas. (Generally located on the north side of Mockingbird Lane, approximately 200 feet west of the extension of North Garfield Street.) This is a public hearing only. No further action will be taken. (DEVELOPMENT SERVICES)
49. At approximately 10:57 A.M. hold a public hearing and consider an ordinance changing the zoning classification by amending Chapter One, Title XI, of the City Code of Midland, Texas, by permitting Lots 1 and 2, Block 162, and the south 378 feet of Lot 1, Block 163, Wilshire Park Addition, Section 9, City and County of Midland, Texas, which is presently zoned PD, Planned District for a Shopping Center, to be used as a PD, Planned District for a Housing Development for Multiple-Family Housing (Generally located on the northeast side of the intersection of South Loop 250 West and Leisure Drive); containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); and ordering publication. (DEVELOPMENT SERVICES) (9282)
50. At approximately 11:00 A.M. hold a public hearing and consider an ordinance changing the zoning classification by amending Chapter One, Title XI, of the City Code of Midland, Texas, by permitting Lots 1A-14A, Block 9, Lots 7-22, Block 10, Lots 7-10, Block 11, and Lots 7-10, Block 12, Adobe Meadows Addition, Section 6, City and County of Midland, Texas, which is presently zoned 1F-2, One-Family Dwelling District, to be used as a 1F-3, One-Family Dwelling District (Generally located at the intersection of East San Francisco Avenue and Baca Street, approximately 350 feet east of Magellan Street); containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); and ordering publication. (DEVELOPMENT SERVICES) (9283)

51. At approximately 11:06 A.M. hold a public hearing and consider an ordinance changing the zoning classification by amending Chapter One, Title XI, of the City Code of Midland, Texas, by permitting a 302.19-acre tract of land out of Section 12, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas, which is presently zoned PD, Planned District for a Housing Development, to be used as an Amended Planned District which shall comply with City of Midland Ordinance No. 9223 and a revised site plan (Generally located on the east side of State Highway 349, approximately 840 feet north of Arapahoe Road); providing for such use to be subject to certain special conditions and restrictions as set out herein; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); and ordering publication. (DEVELOPMENT SERVICES) (9284)
  - a. Consider a motion of a proposed preliminary plat of Lone Star Trails, being a 318.02-acre tract of land out of Section 12, Block 39, T-1-S, T&P RR Co. Survey, City and County of Midland, Texas. (Generally located on the east side of State Hwy 349, approximately 840 feet north of Arapahoe Road.)
52. At approximately 11:09 A.M. hold a public hearing and consider an ordinance vacating and abandoning a 0.09-acre portion of alley right-of-way out of the unrecorded Carol Crest Addition, Section 1, Block 39, T-2-S, T&P RR Co. Survey, City and County of Midland, Texas (Generally located on the east side of Henderson Boulevard, approximately 200 feet south of Garden City Highway); adopting the appraisal by the City Manager of \$2,477.00; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (9285)
  - a. Consider a motion on a request by West Company of Midland Inc., for the Overstreet Addition Section 9 to approve items requested for deferral, and to discount the associated construction costs by an amount equal to the full cost of construction. The subject property is generally located at the southeast corner of Henderson Boulevard and Garden City Highway.
53. At approximately 11:12 A.M. hold a public hearing and consider an ordinance extending the boundaries of the City of Midland, Texas, by adding thereto certain areas adjoining the present City Limits, being a 16.90-acre tract of land out of Section 8, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas (Generally located on the southwest corner of the intersection of Wright Drive and Loop 40); and approving a Public Service Plan. (DEVELOPMENT SERVICES) (9286)
54. At approximately 11:15 A.M. hold a public hearing and consider an ordinance establishing the zoning classification of the area indicated as being a 5.47-acre tract of land out of Section 8, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas, as an LR-2, Local Retail District; establishing the zoning classification of the area indicated as being an 11.43-acre tract of land out of

Section 8, Block 40, T-2-S, T&P RR Co. Survey, Midland County, Texas, as an IP-2, Industrial Park District; said tracts are generally located on the southwest corner of the intersection of Wright Drive and Loop 40; containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); and ordering publication. (DEVELOPMENT SERVICES) (9287)

## **MISCELLANEOUS**

55. Consider a resolution awarding a contract for the Utility Extension Program project to TEC Excavation, Inc., of Midland, Texas, at a total cost of \$750,000.00; and appropriating funds. (PURCHASING) (2014 - 203)
56. Consider a resolution awarding a contract for the Water, Wastewater and Fire Hydrant Taps Project to TEC Excavation, Inc., of Midland, Texas, at a total cost of \$500,000.00; TEC Excavation, Inc. being the lowest most responsible bidder; Entrench, Inc. being the lowest bidder; Entrench, Inc. having been given notice of the proposed award and an opportunity to appear before the Governing Body of the City of Midland, Texas, and present evidence concerning Entrench, Inc.'s responsibility in accordance with Texas Local Government Code Section 271.027(B); and authorizing payment. (PURCHASING) (2014 - 204)
57. Consider an ordinance changing the zoning classification by amending Chapter One, Title XI, of the City Code of Midland, Texas, by permitting a 44.61-acre tract of land which is presently zoned AE, Agriculture Estate District, to be used as a PD, Planned District for a Housing Development; by permitting a 33.99-acre tract of land which is presently zoned AE, Agriculture Estate District, to be used as a 1F-2, One Family Dwelling District; said tracts being out of Section 1, Block "X", H.P. Hilliard Survey, City and County of Midland, Texas (Generally located on the north side of Solomon Lane, approximately 950 feet east of North Big Spring Street); containing a cumulative clause; containing a savings and severability clause; providing for a maximum penalty or fine of two thousand dollars (\$2,000.00); and ordering publication. (DEVELOPMENT SERVICES) (9272)
58. Consider an ordinance vacating and abandoning a 0.017-acre portion of Sandstone Drive right-of-way adjacent to Block 1, Vineyard Addition, Section 3, City and County of Midland, Texas (Generally located on the west side of Sandstone Drive, approximately 1,900 feet north of Sherwood Drive); adopting the appraisal by the City Manager of \$46.31; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (9288)
59. Consider an ordinance vacating and abandoning a 0.016-acre portion of Sandstone Drive Right-of-Way adjacent to Block 1, Vineyard Addition, Section 3, City and County of Midland, Texas (Generally located on the west side of Sandstone Drive, approximately 1,100 feet north of Sherwood Drive); adopting the appraisal by the City Manager of \$43.58; and ordering recordation by the

City Secretary. (DEVELOPMENT SERVICES) (9289)

60. Consider an ordinance vacating and abandoning a 20-foot alley located in Block 30, Original Town Addition and Homestead Addition, City and County of Midland, Texas (Generally located east of Carrizo Street, between West Ohio Avenue and West Illinois Avenue); adopting the appraisal by the City Manager of \$12,000.00; authorizing the execution of a Quitclaim Deed with COG Realty LLC, a Texas Limited Liability Company authorizing the execution of a Utility Relocation Agreement; authorizing the execution of a revocation of a portion of Joint Alley Use License Agreement; and the original License Agreement was dated January 25, 1983 and filed for record under volume 720, page 465 of the Deed Records of Midland County, Texas and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (9290)
61. Consider an ordinance vacating and abandoning a 0.031-acre portion of West Louisiana Avenue right-of-way adjacent to Lot 5, Block 29, Homestead Addition, City and County of Midland, Texas (Generally located on the southeast corner of the intersection of North Big Spring Street and West Louisiana Avenue); adopting the appraisal by the City Manager of \$4,056.01; and ordering recordation by the City Secretary. (DEVELOPMENT SERVICES) (9291)
62. Consider a resolution authorizing the City Manager to purchase property legally described as a 5.221 acre tract of land, E/2 of Section 37, Block 40, T-1-S Midland County, Texas, for future Fire Station Number Six; authorizing the negotiation, execution and filing of all documents necessary for the purchase of said property; said funds not to exceed the amount of \$400,000.00 including closing cost; and authorizing payment therefor. (PURCHASING) (2014 - 205)
63. Consider a motion granting a variance on a request from Bill Stovall regarding his residence at 5611 Camden, Midland, Texas, 79707. The variance relates to emergency egress from the residence.
64. Consider a motion on a proposed final plat of Westridge Park Addition, Section 30, being a replat of Lot 1, Block 3, Westridge Park Addition, Section 23, City and County of Midland, Texas. (Generally located on the southeast corner of the intersection of Griffith Drive and Deauville Boulevard. (DEVELOPMENT SERVICES)
65. Consider a motion making appointments to Building Codes Review Committee, Midland Football-Soccer and Baseball Complex Development Corporation, Midland-Odessa Urban Transit District Board, Permian Basin Community Center, Planning and Zoning Commission; and consider motions appointing individuals to all other Boards and Commissions.

## **EXECUTIVE SESSION**

66. Pursuant to Texas Government Code §551.101, the Council will hold an Executive Session which is closed to the public to discuss the following matters as permitted under the following Texas Government Code Sections:
  - a. Section 551.072 Deliberation Regarding Real Property.
    - a.1. Discuss the, exchange lease or value of real property described as Block 50, Original Town Addition, Midland, Midland County, Texas.
    - a.2. Discuss the purchase, lease or value of real property described as approximately 5.221 acres located in the east half of Section 37, Block 40, T-1-S, T&P RR Co. Survey, Midland, Midland County, Texas.
    - a.3. Discuss the lease and value of real property and improvements described as the North, East and South General Aviation Lease Areas at the Midland International Airport.
    - a.4. Discuss the sale, exchange, lease or value of real property described as Block 55, Original Town Addition, City and County of Midland, Texas. Block 55 is the site of the former Midland County Courthouse. The Council will discuss the proposed sale of said real property to Energy Related Properties, LLC.
  - b. Section 551.071, Consultation with the City Attorney
    - b.1. Discuss with the City Attorney contemplated litigation and legal issues involved in and related to litigation styled Catherine Stouffer, et al. v. Union Pacific Railroad Company and Smith Industries, Inc., in the 441 st Judicial District Court in Midland County, Texas, Cause No. CV-50285; and in the Supreme Court of Texas, Cause No. 14-0133, on appeal from Cause No. 05-13-01224-CV, Fifth District Court of Appeals, Dallas, Texas, and the 116th Judicial District Court in Dallas County, Texas, Cause No. DC-12-15024-F.
    - b.2. Discuss a matter in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with Chapter 551 of the Texas Government Code.
    - b.3. Discuss Section 36.121 of the Texas Water Code.
  - c. Section 551.087, Deliberation Regarding Economic Development Negotiations

- c.1. Discuss business prospects that the City of Midland seeks to have locate, stay, or expand in or near the City of Midland, Texas and discuss possible incentives. The Council will discuss a proposed economic development agreement with Energy Related Properties, LLC.
- d. Section 551.074 Personnel Matters
  - d.1. Discuss appointments to the Planning and Zoning Commission.

Respectfully Submitted,

Courtney B. Sharp  
City Manager

MEETING ASSISTANCE INFORMATION: The Midland City Hall and Council Chamber are wheelchair accessible. If you need special assistance to participate in this meeting, please contact the City Secretary's Office at (432) 685-7430. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting.